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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant(s): Gradischhig
Appl. No.: 09/367,580
Conf. No.: 4526
Filed: August 17, 1999
Title: NODE SUPPORTING LINKS HAVING THE ABILITY TO TRANSFER
LONGER MESSAGES THAN ACCORDING TO CURRENT MTP LEVEL 2
Art Unit: 2665
Examiner: M. Phan
Docket No.: 112740-055

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Alexandria, VA 22313-1450

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Sir:

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2. Appeal Brief with Exhibits A-E (93 pages in triplicate);
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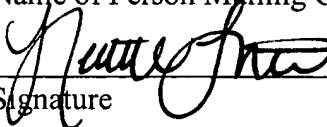
on June 6, 2005.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Heather Foster

Name of Person Mailing Correspondence



Signature

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TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
0112740-055

In Re Application Of: Gradichlig

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/367,580	AUG 17, 1999	M. Phan	29157	2665	4526

Invention: **NODE SUPPORTING LINKS HAVING THE ABILITY TO TRANSFER LONGER MESSAGES THAN ACCORDING TO CURRENT MTP LEVEL 2**

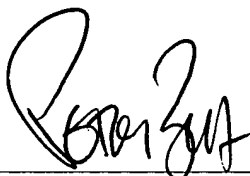
COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on April 4, 2005

The fee for filing this Appeal Brief is: **\$500.00**

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Dated: **June 6, 2005**

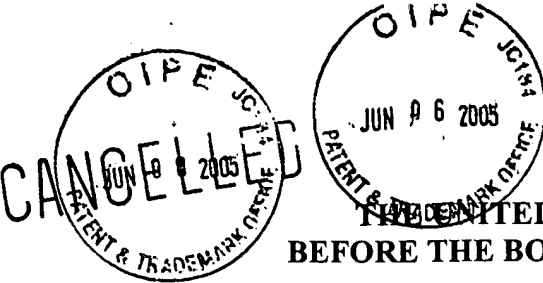
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June 6, 2005
(Date)

Signature of Person Mailing Correspondence
Heather Foster

Typed or Printed Name of Person Mailing Correspondence

CC:



**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Gradischnig
Appl. No.: 09/367,580
Conf. No.: 4526
Filed: August 17, 1999
Title: NODE SUPPORTING LINKS HAVING THE ABILITY TO TRANSFER
LONGER MESSAGES THAN ACCORDING TO CURRENT MTP LEVEL 2
Art Unit: 2665
Examiner: Man U Phan
Docket No.: 0112703-055

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellants submit this Appeal Brief in support of the Notice of Appeal filed on April 4, 2005 and received by the U.S. Patent and Trademark Office on April 6, 2005. This Appeal is taken from the Final Rejection dated October 4, 2004.

I. REAL PARTY IN INTEREST

The real party in interest for the above-identified patent application on appeal is Siemens Aktiengesellschaft, by virtue of an Assignment dated August 17, 1999 and recorded at the United States Patent and Trademark Office at reel 10296, frame 139-141.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellant's legal representative and the Assignee of the above-identified patent application do not know of any prior or pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision with respect to the above-identified Appeal.

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III. STATUS OF CLAIMS

Claims 7-12 are pending in the above-identified patent application. Claims 9 and 12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Accordingly, Claims 7-8 and 10-11 are being appealed in this Brief. A copy of the appealed claims is attached as Appendix A.

IV. STATUS OF AMENDMENTS

A response to the Final Office Action was mailed on February 4, 2005. In the response, claims 7 and 10 were amended pursuant to an Interview that was conducted on February 3, 2005. During the Interview, it was communicated to the Applicant that the Examiner was considering the language in the preamble as functional language, and as a result, was not relied upon for the examination. In response, Applicant reorganized the claim language so the features in the preamble appeared in the body of the claims. Nevertheless, the Examiner refused entry of the amendments in the Advisory Action mailed April 1, 2005, and instead repeated *verbatim* the remarks made in the Final Rejection. A copy of the Final Office Action is attached as Appendix B and a copy of the Advisory Action is attached as Appendix C.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present claims, and particularly independent claims 7 and 10 generally relate to a node in a Message Transfer Part (MTP) network for providing enhanced links. A first destination point code is assigned to the node for connecting to a first link for supporting short messages, wherein the short messages have a message length that is supported by a MTP level 2 signaling link. A second destination point code is also assigned to the node for connecting to a second link for supporting long messages, wherein the long messages have a message length that exceeds a length supported by the MTP level 2 signaling link, and wherein the long messages have a maximum length that is supported by a Service-Specific Connection-Oriented Protocol (SSCOP). Both the first and second destination point codes are part of the same MTP network.

This claimed configuration proposes to use the addressing mechanisms provided in the MTP and the Signaling Connection Control Part (SCCP) to solve interworking problem (see specification pages 4-5). Each node that supports linksets having the ability to transfer longer

messages than according to Q.703 (for example SSCOP-linksets), is assigned a second point code (in addition to its narrowband point code), which is referred to as a “broadband point code” to identify its enhanced functions, i.e. those which can generate long messages. An example of such a network is given in figure 2. Routing tables in the MTP are configured so that the broadband signaling points are only connected via linksets supporting the longer message length (see tables 1 to 3 for an example). Non-enhanced nodes would have no knowledge about the broadband point codes in the MTP network (see table 5 for an example).

The nodes supporting the enhanced links (nodes identified also by the broadband signaling point codes) together with the enhanced linksets would form an overlay network which can transport longer messages than those allowed under MTP level 2 (see figure 3). Nodes having only the enhanced linksets would also be identified by a narrowband and a broadband point code.

The SCCP may also be configured to reach a node having a narrowband and a broadband point code to which no enhanced route is currently available by appropriately engineering the SCCP Global Title (GT) translation data if this should be desired by the operator of the network. GT translation in the SCCP of a node having a narrowband and a broadband point code is engineered so that physical destinations (intermediate translators or final destinations) having a narrowband and a broadband point code have the broadband point code as the primary translation result and the narrowband point code as the backup translation result (see table 4).

As long as two signaling points are connected an enhanced route will be used. If all enhanced routes between two nodes having a narrowband and a broadband point code fail communication between the nodes will be via the linksets supporting only short messages, using the narrowband point codes as addresses. In addition, this solution can also be used for any new MTP users or appropriately modified existing MTP users. Similarly this solution is also suitable for interworking between narrowband and broadband signaling networks.

Although specification citations are given in accordance with C.F.R. 1.192(c), these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the Brief. There is no intention to suggest in any way that the terms of the claims are limited to the examples in the specification. As demonstrated by the references numerals and citations below, the claims are fully supported by the specification as required by law. However, it is improper under the law to read limitations

from the specification into the claims. Pointing out specification support for the claim terminology as is done here to comply with rule 1.192(c) does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the references numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 7-8 and 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Christie et al.* (US Patent 5,926,482) in view of *Duree et al.* (US Patent 5,940,393). A copy of *Christie* is attached as Appendix D and a copy of *Duree* is attached as Appendix E.

VII. ARGUMENT

A. OBVIOUSNESS UNDER 35 U.S.C. § 103

Whether a claim is obvious is a question of law that is based on underlying factual inquiries including: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness. *In re Zurko*, 59 U.S.P.Q.2d 1693, 1696 (Fed. Cir. 2001).

The Patent Office has the initial burden of proving a *prima facie* case of obviousness. *In re Rijckaert*, 28 U.S.P.Q. 2d 1955, 1956 (Fed. Cir. 1993). In making this determination, the question is not whether the differences between the prior art and the claims themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 218 U.S.P.Q. 871 (Fed. Cir. 1983)(emphasis added). Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000).

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper. *Ex parte Skinner*, 2 USPQ2d 1788 (Bd. Pat. App. & Inter. 1986). (see MPEP 2142).

Further, the Federal Circuit has held that it is “impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious.” *In re Fritch*, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992). “One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention” *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Moreover, the Federal Circuit has held that “obvious to try” is not the proper standard under 35 U.S.C. §103. *Ex parte Goldgaber*, 41 U.S.P.Q.2d 1172, 1177 (Fed. Cir. 1996). “An-obvious-to-try situation exists when a general disclosure may pique the scientist curiosity, such that further investigation might be done as a result of the disclosure, but the disclosure itself does not contain a sufficient teaching of how to obtain the desired result, or that the claim result would be obtained if certain directions were pursued.” *In re Eli Lilly and Co.*, 14 U.S.P.Q.2d 1741, 1743 (Fed. Cir. 1990).

B. THE REJECTIONS

In the Final Office Action, Claims 7-8 and 10-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Christie et al.* (US Patent 5,926,482) in view of *Duree et al.* (US Patent 5,940,393).

Appellants filed Amendments in response to the Final Office Action on February 4, 2005, and provided additional argumentation traversing the rejection.

The Patent Office issued an Advisory Action on April 1, 2005. In the Advisory Action, the Patent Office refused to enter the submitted amendments and repeated the remarks made in the Final Office Action.

C. THE REJECTION OF CLAIMS 7-8 AND 10-11 SHOULD BE REVERSED BECAUSE THE PATENT OFFICE FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS

Appellants respectfully disagree with and traverse the rejection of claims 7-8 and 10-11 because the Patent Office has failed to establish a prima facie case of obviousness under §103(a). Specifically, Appellants submit that, alone or in combination, neither the *Christie* nor *Duree* references teach or suggest the elements of the claimed subject matter. Furthermore, there is no teaching, suggestion or motivation to combine references in the manner suggested in the Final Office Action.

1. Neither *Christie* nor *Duree* Teach or Suggest all the Elements Recited in the Claims

The cited art, alone or in combination does not disclose a node in an MTP network for transferring short messages and long messages which are longer than that supported by current MTP level 2 and up to a maximum length supported by SSCOP, wherein the node comprises a first destination point code for connecting to a first link for supporting the short messages (i.e., supported by MTP level 2); and a second destination point code for connecting to a second link for supporting the long messages (i.e., which are longer than that supported by current MTP level 2 and up to a maximum length supported by SSCOP), as recited in claim 7 and similarly recited in claim 10.

Christie discloses a system wherein an STP converts and routes signaling messages to avoid re-programming of switches (col. 2, lines 8-18; col. 12, lines 31-35). The conversions are based from the Originating Point Code (OPC) and Destination Point Code (DPC) of the signaling message (col. 7, lines 5-20). The Discriminator 312 analyzes the DPC to determine if the signaling point is the destination point. If not, the message gets directed to Routing 314; if it is the destination, and the message is directed to Distribution 316 for internal processing (col. 7, lines 31-36). Point Code Conversion (PCC) 500 accepts the messages from level 2 and provides messages to Discrimination 312. PCC then translates the signaling message using internal tables to change designated DPC's, OPC's and Circuit Identification Codes (CIC's) (col. 8, lines 24-30). An example of its operation is shown in FIG. 7 and accompanying text (col. 10, line 29-col. 11, line 40).

It is axiomatic from the teaching of *Christie* that the PCC already receives messages from level 2 prior to translating messages (see col. 4, lines 38-43). In contrast, the present application claims the use of long messages that are longer than that supported by current MTP level 2. By definition, the PCC in *Christie* would never receive such long messages according to the disclosure, as they would be unsupported by the level 2 protocol. As a result, the conversion would not take place outside the level 2 processing. In other words, while *Christie* performs conversion of DPC's, OPC's and CIC's, the conversion has nothing to do with the ability of a message to conform to MTP level 2 requirements.

Furthermore, the Office Action dated 10/04/04 (as well as the Advisory Action, top of page 3) asserted that broadband point code identifying functions were disclosed in *Christie* that supported longer message lengths than that supported by MTP level 2 (see office action, bottom of page 5- 1st paragraph page 6), however, nothing in the disclosure of *Christie* shows that this is the case. *Christie* mentions the use of ISUP, however, the mention of ISUP services is no reflection of the level 2 capabilities of the MTP network, and the disclosure shows no support whatsoever for incorporating broadband nodes, such as ATM messaging or B-ISUP.

In this regard, *Duree* was cited as disclosing a system and method for routing calls using ATM multiplexers and gateways, which have their own set protocols (col. 3, line 66 – col. 4, line 24). *Duree* teaches the routing of ATM signals, which also may transport N-ISUP messages that are subsequently encapsulated into ATM cells (col. 12, lines 20-43). However, the transport of N-ISUP messages in *Duree* rely on the same requirements as that in *Christie* – namely, that the N-ISUP messages must comply with the message lengths supported by MTP level 2 prior to transmission (col. 12, lines 29-37; col. 18, lines 52-53). In other words, *Duree* teaches an ATM system that may also pass narrow-band transmissions, however *Duree* does not distinguish between short (supported by MTP(2)) and long (unsupported by MTP(2)) messages, and further does not provide two different destination point codes in response to the type of message (i.e., short or long) being transmitted through a node. Accordingly, neither *Duree* nor *Christie* provide messaging where one destination point code supports short messages, while the second destination point supports long messages in a node.

As claims 8 and 11 depend directly from claims 7 and 10 respectively, it is submitted that these claims are also patentable in light of the arguments provided above.

2. There is no Teaching, Suggestion or Motivation to Combine *Christie* and *Duree* in the Manner Suggested by the Examiner.

Appellants submit that a person of ordinary skill in the art would not be motivated to combine *Christie* with *Duree* where there is no teaching or suggestion in either reference to make such a combination.

The teaching of *Christie* and *Duree* makes it evident that the combination of these references is improper. As discussed above, *Christie* makes no provision for broadband signaling in the disclosure. However, *Duree*, relies exclusively on a broadband architecture (see col. 1, lines 11-45) that is completely different from that in *Christie*. One could not simply substitute the messaging protocols of *Christie* with that of *Duree* without creating an entirely new system. The Examiner notes that *Christie* “does not expressly disclose wherein the second destination point code is used to make full use of the longer and unsegmented message length” (see Final Office Action, page 6, first full paragraph). As this is the case, it would follow that *Christie* would not even *receive* long messages within the system. Nevertheless, the Office Action relies on the encapsulated ATM configuration of *Duree* to conclude that narrowband point codes may be transported across ATM cells. Regardless of the fact that this conclusion belies the teaching in both references, nothing in the Office Action even explains why someone having ordinary skill in the art would even be motivated to attempt such a combination. There is simply no teaching, suggestion or motivation for one skilled in the art to modify the narrowband disclosure in *Christie* using the broadband architecture of *Duree* in the manner suggested by the Examiner.


VIII. CONCLUSION

Appellants respectfully submit that claims 7-8 and 10-11 are not anticipated and non-obvious in view of *Christie* and *Durere* under 35 U.S.C. §103. Accordingly, Appellants respectfully submit that the rejection of pending claims 7-8 and 10-11 is erroneous in law and fact and should be reversed by this Board.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY


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Dated: June 6, 2005

APPENDIX A

PENDING CLAIMS ON APPEAL OF U.S. PATENT APPLICATION SERIAL NO. 09/367,580

Claim 7 A node in an MTP network for transferring short messages and long messages which are longer than that supported by current MTP level 2 and up to a maximum length supported by SSCOP, the node comprising:

 a first destination point code, for connecting to a first link for supporting short messages;
and

 a second destination point code for connecting to a second link for supporting the long messages,

 wherein both the first and second destination point codes are part of the same MTP network.

Claim 8 A node as claimed in claim 7, further comprising MTP routing tables supporting the enhanced links, wherein the routing tables are structured such that routing between nodes with the second destination point code uses only the enhanced links.

Claim 10. A node in an MTP network for transferring short messages and long messages which are longer than that supported by current MTP level 2 and up to a maximum length supported by SSCOP, the node comprising:

 a first destination point code for connecting to a first link for supporting short messages;
and

 a second destination point code for connecting to a second link for supporting the long messages,

 wherein both the first and second point codes are part of different MTP networks.

Claim 11 A node as claimed in claim 10, further comprising MTP routing tables supporting the enhanced links, wherein the routing tables are structured such that routing between nodes with the second destination point code uses only the enhanced links.

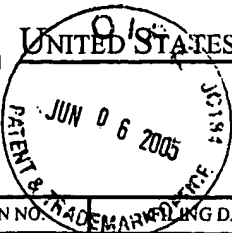
Claim 12 A node as claimed in claim 10, further comprising SCCP translation functions supporting the enhanced links, the SCCP translation functions being engineered such that primary translation is to be logical destinations reachable via the enhanced links and backup translation is to be logical destinations reachable via links based on MTP level 2 if translation results in a physical destination located in a node supporting the enhanced links.

APPENDIX B

Final Office Action Mailed on October 4, 2004



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,580	08/17/1999	KLAUS GRADISCHNIG	P991527	4526

29177 7590 10/04/2004

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CHICAGO, IL 60690-1135

EXAMINER

PHAN, MAN U

ART UNIT PAPER NUMBER

2665

DATE MAILED: 10/04/2004
References Downloaded

DUE: 1-4-05

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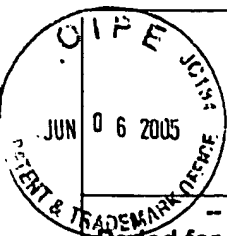
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Office Action Summary

Application No.

09/367,580

Applicant(s)

GRADISCHNIG, KLAUS

Examiner

Man Phan

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 7,8,10 and 11 is/are rejected.
7) ☒ Claim(s) 9 and 12 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment and Argument

1. This communication is in response to applicant's 06/28/2004 Amendment in the application of Gradischnig for "A node which supports enhanced links for transferring longer messages than according to current MTP level 2" filed 08/17/1999. This application is a 371 of PCT/EP98/00877 filed 02/16/1998, and claims for foreign priority based on an application filed in FED REP GERMANY - 97102527.5 on 02/17/1997. The amendment and argument has been entered and made of record. Claim 7-12 are pending in the application.

2. Applicant's amendment and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C.103 as discussed below. Applicant's argument with respect to the rejected claims have been fully considered, but they are not persuasive for at least the following reasons:

3. Applicant's argument with respect to the rejected claims 7, 10 (Page 4, fifth paragraph) that the cited references do not teach or suggest the "*first and second destination point codes*". However, Christie et al. (US#5,926,482) is applied herein merely for the teaching of the converting point codes in a signal transfer point in a telecommunications signaling system. The STP converts point codes (*first and second signaling point codes*) which designate the origination and destination signaling points for the message (OPC & DPC). The conversion is based on information defined by the messages, such as origination or destination information; creates a virtual signaling system which can be reconfigured at the STP by converting point

codes, and thus, altering the identities of the signaling points (See Fig. 6 and the abstract).

Christie discloses an enhanced signal transfer point (STP) which alters the point codes (*first and second signaling point codes*) in telecommunications signaling and supports user parts in addition to providing standard STP functionality. In addition, a broadband point code identifying functions and MTP users is designed to support a longer message length compared to current MTP level 2 (See Fig. 1 and page 2). As is known in the art, MTP Levels 1 and 2 facilitate the transfer of SS7 messages from one point to another over an individual signaling link. Level 3 facilitates the transfer of SS7 messages over the SS7 network beyond the requirements of individual link transmission. In other words, levels 1 and 2 are concerned with transport over individual links whereas level 3 is concerned with transport over the SS7 network in general. An STP accomplishes its routing task at level 3 through the use of point codes (first and second signaling point codes) which identify the various signaling points in the network. The STP level 3 will identify the destination point code (DPC) in an SS7 message and select the proper signaling link for routing that message (*second point code which is used to identify the particular node as one which has the ability to transfer the message*). For example, if switch A signals a switch B through an STP, the message will contain the destination point code (second point code) for the signaling point in switch B (and the originating point code (*first point code*) for switch A). The STP will accept this signal off of one signaling link, read the destination point code (*second point code*), and place the message on the appropriate link for switch B (See Fig. 8; Col. 1, lines 40 plus).

Applicant further asserted that the reference does not teach or suggest “*an STP having Q.703 links*”(page 4, last paragraph). However, According to the ITU-T Recommendation

Q.703 (03/93), the signaling link information/functions, together with a signaling data link as bearer, provide a signaling link for reliable transfer of signaling messages between two directly connected signaling points. Signaling messages delivered by superior hierarchical levels are transferred over the signaling link in variable length signal units. A signal unit is constituted of a variable length signaling information field which carries the information generated by a user Part and a number of fixed length fields which carry information required for message transfer control. In the case of link status signal units LSSU, the signaling information field and the service information octet is replaced by a status field which is generated by the signaling link terminal. There are three types of signal unit, i.e. the message signal units MSU, link status signal units LSSU and fill-in signal units FISU. The signaling link functions comprise signal unit delimitation, signal unit alignment, error detection, error correction, initial alignment, signaling link error monitoring and flow control. All these functions are coordinated by the link state control.

Examiner maintains that the references cited and applied in the last office actions for the rejection of the claims 7, 10 are maintained in this office action.

Claim Rejections - 35 USC ' 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie et al. (US#5,926,482) in view of Duree et al. (US#5,940,393).

With respect to claim 7, Christie discloses an enhanced signal transfer point (STP) applies message transfer part (MTP) functions to signaling message that contain point codes. A signaling system in accordance with the present invention comprising first and second signaling point codes, wherein the second point code is used to identify functions and MTP users (See Figs. 4-6, Col. 4, lines 8-29). Christie further teaches of the converting point codes in a signal transfer point in a telecommunications signaling system. The STP converts point codes (first and second signaling point codes) which designate the origination and destination signaling points for the message (OPC & DPC). The conversion is based on information defined by the messages, such as origination or destination information; creates a virtual signaling system which can be reconfigured at the STP by converting point codes, and thus, altering the identities of the signaling points (See Fig. 6 and the abstract). Christie discloses an enhanced signal transfer point (STP) which alters the point codes (first and second signaling point codes) in telecommunications signaling and supports user parts in addition to providing standard STP functionality. In addition, a broadband point code identifying functions and MTP users is designed to support a longer message length compared to current MTP level 2 (See Fig. 1 and page 2). As is known in the art, MTP Levels 1 and 2 facilitate the transfer of SS7 messages from

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one point to another over an individual signaling link. Level 3 facilitates the transfer of SS7 messages over the SS7 network beyond the requirements of individual link transmission. In other words, levels 1 and 2 are concerned with transport over individual links whereas level 3 is concerned with transport over the SS7 network in general. An STP accomplishes its routing task at level 3 through the use of point codes (first and second signaling point codes) which identify the various signaling points in the network. The STP level 3 will identify the destination point code (DPC) in an SS7 message and select the proper signaling link for routing that message (second point code which is used to identify the particular node as one which has the ability to transfer the message) (See Fig. 8; Col. 1, lines 40 plus).

However, Christie does not expressly disclose wherein the second destination point code is used to make full use of the longer and unsegmented message length. In the same field of endeavor, Duree et al. (US#5,940,393) discloses in Fig. 9 a block diagram illustrated the connection processing systems, in which the signaling links 990 and 991 are SS7 links. Link 992 is a data link with an example being an ethernet connection transporting UDP/IP, although a bus arrangement could be used if the CCM and the mux are physically integrated. STP 960 is device that routes signaling messages. STPs are well known in the art. CCM 950 would be identified by its own signaling point code. Point codes designate various points in the network and they are used to route signaling messages to these points. STP 960 would route signaling messages with the point code of CCM 950 to CCM 950. The signaling protocol could be based on narrowband Integrated Services Digital Network (ISDN) User Part (N-ISUP) employing Message Transfer Part (MTP) levels 1-3. In some embodiments, the signaling uses N-ISUP messages transported over broadband connections. This would entail a protocol stack of MTP3-Signaling ATM

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Adaption Layer (SAAL)-ATM. In other words, N-ISUP messages from MTP3 would be encapsulated into ATM cells for transport (Col. 12, lines 20 plus and Col. 34, lines 25 plus).

Regarding claim 10, this claim differs from the claim above in that the point codes being part of different MTP networks but not the same MTP networks. However, Christie further discloses in Fig. 2 a basic relationship of a telecommunications network including a signaling system that is linked to signaling point in other network elements. Other types of signaling points are equally applicable to the present invention. For example, the above referenced signaling processors can function as signaling points. In addition, other signaling systems, such as C7 signaling, are equally applicable to the present invention (Col. 5, lines 51-60).

Regarding claims 8 and 11, Christie discloses the MTP routing tables supporting the enhanced links, wherein the routing tables are structured such that routing between nodes with the second point code uses only the enhanced link (Fig. 5; Col. 8, lines 21-30).

One skilled in the art would have recognized the need for effectively and efficiently transferring message using the signaling point codes in the broadband telecommunications system, and would have applied Duree's novel use of the call connection manager for transferring information across links in an SS7 network into Christie's teaching of the enhanced signal transfer point which alters the point codes in telecommunications signaling. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Duree's telecommunications system with a connection processing system into Christie's telecommunications apparatus, system, and method with an enhanced signal transfer point with the motivation being to provide a node which supports enhanced links for transferring longer messages than according to current MTP level 2.

Allowable Subject Matter

6. Claims 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for the indication of allowable subject matter: The prior art of record fails to disclose or suggest wherein the primary translation is to be logical destinations reachable via the enhanced links and backup translation is to logical destination reachable via links based on MTP level 2 if translation results in a physical destination located in a node supporting the enhanced links, as specifically recited in claims 9 and 12.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sipila (US# 6,163,546) discloses a method and system for data transmission.

Bjorkqvist et al. (US# 6,456,629) discloses an interworking function.

Carson et al. (US# 5,905,724) discloses a message modification apparatus for use in a telecommunication signaling network.

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Mintz et al. (US# 5,915,013) discloses a method and system for achieving routing of signaling information.

Hiller et al. (US# 5,365,524) discloses a establishing telecommunications call paths between clustered switching entities

9. **THIS ACTION THIS ACTION IS MADE FINAL.** See MPEP ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

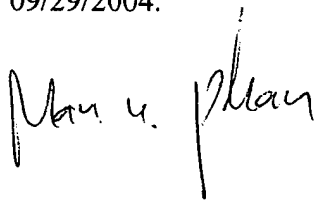
or faxed to: (703) 305-9051, (for formal communications intended for entry)

Or: (703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Mphan

09/29/2004.



**MAN U. PHAN
PRIMARY EXAMINER**

APPENDIX C

Advisory Action Mailed on April 1, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,580	08/17/1999	KLAUS GRADISCHNIG	P991527	4526
29177	7590	04/01/2005		
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135				
			EXAMINER PHAN, MAN U	
			ART UNIT 2665	PAPER NUMBER

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
BELL, BOYD & LLOYD
INTELLECTUAL PROPERTY DOCKET

APR 04 2005

ATTY

DOCKET #

PAK-P22

112740-

0055

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/367,580

Applicant(s)

GRADISCHNIG, KLAUS

Examiner

Man Phan

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 9 and 12.
Claim(s) rejected: 7, 8, 10, 11.
Claim(s) withdrawn from consideration: 1-6.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Advisory Action

1. The affidavit, exhibit or request for reconsideration has been considered but does not place the application in condition for allowance because:

Applicant's arguments are not persuasive. Applicant asserts that there is no motivation to combine the prior art as proposed in the office action, Christie et al. (US#5,926,482) and Duree et al. (US#5,940,393), i.e. In response, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Christie et al. (US#5,926,482) and Duree et al. (US#5,940,393) are applied herein merely for the teaching of the converting point codes in a signal transfer point in a telecommunications signaling system.

Christie discloses an enhanced signal transfer point (STP) applies message transfer part (MTP) functions to signaling message that contain point codes. The STP converts point codes (*first and second signaling point codes*) which designate the origination and destination signaling points for the message (OPC & DPC). The conversion is based on information defined by the messages, such as origination or destination information; creates a virtual signaling system which can be reconfigured at the STP by converting point codes, and thus, altering the identities of the signaling points (See Fig. 6 and the abstract). Christie discloses an enhanced signal transfer point (STP) which alters the point codes (*first and second signaling point codes*) in


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telecommunications signaling and supports user parts in addition to providing standard STP functionality. In addition, a broadband point code identifying functions and MTP users is designed to support a longer message length compared to current MTP level 2 (See Fig. 1 and page 2). As is known in the art, MTP Levels 1 and 2 facilitate the transfer of SS7 messages from one point to another over an individual signaling link. Level 3 facilitates the transfer of SS7 messages over the SS7 network beyond the requirements of individual link transmission. In other words, levels 1 and 2 are concerned with transport over individual links whereas level 3 is concerned with transport over the SS7 network in general. An STP accomplishes its routing task at level 3 through the use of point codes (first and second signaling point codes) which identify the various signaling points in the network. The STP level 3 will identify the destination point code (DPC) in an SS7 message and select the proper signaling link for routing that message (*second point code which is used to identify the particular node as one which has the ability to transfer the message*). For example, if switch A signals a switch B through an STP, the message will contain the destination point code (second point code) for the signaling point in switch B (and the originating point code (*first point code*) for switch A). The STP will accept this signal off of one signaling link, read the destination point code (*second point code*), and place the message on the appropriate link for switch B (See Fig. 8; Col. 1, lines 40 plus).

Examiner maintains that the references cited and applied in the last office actions for the rejection of the claims 7-12 are maintained in this office action. The final rejection mailed on October 04, 2004 is therefore maintained.

Mphan.

03/28/2005



MAN U. PHAM
PRIMARY EXAMINER